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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/600,265 | 06/20/2003 | Steven Reed Love | 40302.IUSU1 | 7495 |
| 23552 | 7590 | 02/13/2006 | EXAMINER | |
| MERCHANT & GOULD PC | | | GREEN, BRIAN | |
| P.O. BOX 2903 | | | ART UNIT | PAPER NUMBER |
| MINNEAPOLIS, MN 55402-0903 | | | 3611 | |
| DATE MAILED: 02/13/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/600,265 | LOVE ET AL. | |
| | Examiner | Art Unit | |
| | Brian K. Green | 3611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 and 6-12 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-3,6 and 12 is/are allowed.
- 6) Claim(s) 7 and 9-11 is/are rejected.
- 7) Claim(s) 8 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gouldson et al. (U.S. Patent No. Re. 36,873).

Gouldson et al. shows in figure 1 a pivot arm (the vertical segment of the hook 12 which is directly connected to the member 14) rotatably mounted to a support surface (the rod) to pivot about a “vertical axis” (the axis of the rod can be considered to be in a vertical direction or the pivot arm is considered capable of performing the function of rotating about a vertical axis), a support arm (the horizontal portion (a portion of 14) directly connected to the pivot arm, the portion (16), and the portion (20)), a handle arm (the vertical portion of 44 and 46), a fabric arm having a main segment (the upper horizontal arm of 36, see figure 1) having a rear end fixedly attached to the first end of the support arm and a front end that extends forward from the rear end along one side of the support arm, a reverse bend (the portion adjacent the lead line for numeral 36 in fig. 1), at the front end of the fabric arm, wherein the reverse bend extends inwardly from the main segment toward the support arm, and a bend arm (the lower horizontal arm of 36, see figure 1) that extends substantially rearward from the reverse bend between the main segment and the support arm, wherein the bend arm is not fixedly attached to the support arm, and wherein the bend arm laterally spaces the main segment of the fabric arm from the support arm

to provide clearance “for” loading a portion of the fabric sheet between the main segment of the fabric arm and the support arm. In regard to claim 10, as broadly defined, the handle is considered to be the lower portion of (46). In regard to claim 11, the handle (lower portion of 46) is formed integrally with the handle arm.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gouldson et al. (U.S. Patent No. Re. 36,873).

Gouldson et al. does not specifically disclose whether the surface (the rod) has a pair of brackets. The examiner takes official notice that it is well known that these types of rods have brackets at the opposite ends thereof in order to hold the rod in a desired position. It would have been obvious to one in the art to modify Gouldson et al. by mounting the pivot arm for rotation between a pair of brackets since this would allow the surface (rod) to be mounted and held in a desired position.

Response to Arguments

Applicant's arguments filed on Nov. 14, 2005 have been considered but some of the arguments are not persuasive.

The applicant argues that claim 7 is now allowable since it has been placed into independent form (with the exception of the cross brace). The examiner disagrees since the applicant failed to include the cross brace structure. As indicated in the above rejection, Gouldson et al. shows all of the structure defined in claim 7.

Allowable Subject Matter

Claims 1-3,6, and 12 are allowed.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3611

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Feb. 6, 2006